

Interim Decision #2040

MATTER OF CAMPBELL  
In Visa Petition Proceedings

A-17642157

*Decided by Board April 17, 1970*

Petition to accord beneficiary fifth preference classification as the stepsister of petitioner is denied, since petitioner and beneficiary, who do not have a natural parent in common, are not sisters of the whole or half blood and, therefore, do not come within the purview of section 203(a) (5) of the Immigration and Nationality Act.

ON BEHALF OF PETITIONER:  
Pro se

ON BEHALF OF SERVICE:  
R. A. Vielhaber  
Appellate Trial Attorney

This matter presents an appeal from a decision of the District Director denying a visa petition filed by petitioner to accord the beneficiary status as a stepsister under section 203(a) (5) of the Immigration and Nationality Act on the ground that petitioner and beneficiary do not have a common parent. The question raised in this appeal is whether, in the absence of any definition of the term "brother and sister" for purposes of section 203(a) (5), Congress intended to grant fifth preference classification in cases, such as the instant, where a petitioner and beneficiary do not have a parent in common. Our study of this issue persuades us that stepbrothers and stepsisters cannot be included within the term "brothers and sisters" as it applies in section 203(a) (5) of the Immigration and Nationality Act and we therefore affirm the District Director's decision.

The petitioner, native of England, born October 11, 1926, is a naturalized citizen of the United States. Petitioner's birth certificate shows that she was born to one Eileen Wallace and R. Wallace. The beneficiary is a native of Dublin, Ireland and her birth certificate shows that she was born to Kathleen Mary Campbell and Alfred William Stewart Campbell on May 18, 1935. A marriage certificate presented by petitioner shows that petitioner's